

 <p>UTAH DNR OIL, GAS & MINING</p>	Citation for Non-Compliance Utah Coal Regulatory Program 1594 West North Temple, Salt Lake City, UT 84114 Phone: (801) 538-5340 Fax: (801) 359-3940		Citation #: 10047	
			Permit Number: C0150025	
			Date Issued: 03/01/2010	
<input checked="" type="checkbox"/> NOTICE OF VIOLATION		<input type="checkbox"/> CESSATION ORDER (CO)		<input type="checkbox"/> FAILURE TO ABATE CO
Permittee Name: Hiawatha Coal Company, Inc.			Inspector Number and ID: 49 KHOUSKEE	
Mine Name: Bear Canyon Mine			Date and Time of Inspection: 02/24/2010	
Certified Return Receipt Number: 7008 0150 0002 0896 5151			Date and Time of Service: 03/01/2010 10:30 am	
Nature of condition, practice, or violation: Failure to retain sediment within the disturbed area. Approximately 4-5 loader buckets of sediment laden snow have been pushed over the disturbed area berm by the #4 truck load-out. The sediment laden snow borders Bear Creek, within the stream buffer zone, no sediment treatment present.				
Provisions of Act, regulations, or permit violated: R645-301.731.121 R645-301.742.120 & 121				
<input type="checkbox"/> This order requires Cessation of ALL mining activities. (Check box if appropriate.)				
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.		<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.		
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.		<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.		
<input type="checkbox"/> This order requires Cessation of PORTION(S) of mining activities.				
Mining activities to be ceased immediately: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Abatement Times (if applicable).	
Action(s) required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
By March 8, 2010 have temporary sediment control structures installed in such a manner to prevent any sediment from the effected area entering Bear Creek.				
By May 3, 2010, when snow has melted, remove all sediment and then sediment control structures from the effected area by hand methods to prevent any disturbance by machinery.				
KEN A. RUSHTON (TRUSTEE) (Print) Permittee Representative			KARL HOUSKEEPER (Print) DOGM Representative	
<i>Mailed & E-mailed 03/01/2010</i> Permittee Representative's Signature - Date			<i>Karl A. Houskeeper 03/01/2010</i> DOGM Representative's Signature - Date	
<u>SEE REVERSE SIDE Of This Form For Instructions And Additional Information</u>				

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. PENALTIES.

Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within *15 days of the date this notice or order is served on you or your agent*. Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, no later than 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

The penalty will be final unless you or your agent file, within 15 days of receipt of the proposed assessment, a written request for an informal hearing before the assessment officer.

Assessment. For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring cessation of surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

If this notice requires cessation of mining, it will expire within 30 days from the date you are notified unless an informal public hearing is held or waived, or the condition, practice, or violation is abated within the 30-day period.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for “*temporary relief*” from this notice. Procedures for obtaining a formal board hearing are contained in the Board’s Rules of Practice and Procedure and in Utah Admin. Code R645-401-800 et. seq.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the Act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Utah Code Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.

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SALT LAKE CITY UT 84101
UNITED STATES POSTAL SERVICE

04 MAR 2010 PM 2

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Division of oil, Gas & Mining
319 N. Carbonville Road, Suite C
Price, Utah 84501

300



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ken A. Rushton, Trustee
99 West Main Street, #202
Lehi, Utah 84043

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Ken Rushton

☒ Agent☐ Addressee

B. Received by (Printed Name)

Ken Rushton

C. Date of Delivery

3-3-10

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from)

7008 0150 0002 0896 5151

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

LEHI UT 84043

OFFICIAL USE

Postage	\$	\$0.44	0501
Certified Fee		\$2.80	
Return Receipt Fee (Endorsement Required)		\$2.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.24	

Postmark
Here

Sent To

Ken A. Rushton

Street, Apt. No.,
or PO Box No.

99 West Main Street #202

City, State, ZIP+4

Lehi, Utah 84043

7008 0150 0002 0896 5151